IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

OP.No. 34753 of 2001(K)

PETITIONER:

M/s. S.D.N. Ferrites Pvt. Ltd.,Development Plot, H&C Compound, Kollam represented by its Managing Director,K.K.Divakaran.

BY ADV. SRI.MOHAMMED RAFIQ

RESPONDENTS:
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1. The Assistant Executive Engineer, Kerala State Electricity Board, Electrical Major Section, Contonment, Kollam.

2. The Executive Engineer, Kerala State Electricity Board, Electricity Division, Contonment, Kollam.

3. The Kerala State Electricity Board, Vydhuthi Bhavanam, Trivandrum, represented by its Secretary.

BY ADV. SHRI. C.K.KARUNAKARAN SC, KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 56753/01 IN OP 34753/01

DISMISSED.

SD/- ANTONY DOMINIC, JUDGE.

14/2/2007

APPENDIX

Petitioner's Exts:

Ext.P1 true copy of the notice No.DB 22/2001-2002 dated 11.6.2000 issued by the first respondent to the petitioner.

Ext.P2 true copy of the letter dated 15.6.2001 sent by the petitioner to the first respondent.

Ext.P3 true copy of the demand cum disconnection notice No.BH 75108 dated 29.6.2001 issued by the first respondent to the petitioner.

Ext.P4 true copy of the appeal dated 5.7.2001 filed by the petitioner before the second respondent.

Ext.P5 true copy of the order No.GB/OP No.20194/2001D/2001-02 dated 11.10.2001 passed by second respondent.

Ext.P6 true copy of the notice dated 6.11.2001 issued by the first respondent to the petitioner.

Respondents' Exts

Ext.R1(a) true copy of the site mahazar prepared by Sri. Divakaran Pillai.

Ext.R1(b) true copy of the Site Mahazar prepared by Sri.Divakaran Pillai.

Antony Dominic, J.
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O.P.No. 34753 of 2001
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Dated this the 14th day of February, 2007.

JUDGMENT

This Original Petition is filed praying to declare that Regulation 42 of the Conditions of Supply of Electrical Energy framed by the Kerala State Electricity Board is unconstitutional and to quash Exts.P3 and P5, issued consequent to detection of alleged unauthorised connected load in the petitioner's premises. Ext.P5 was followed by Ext.P6 demand notice.

2. At the time when this Writ Petition was taken up for hearing, Standing Counsel for the respondents submitted that identical matters have been disposed by a Division Bench of this Court vide its judgment in W.A.No.1231 of 2003 and connected cases. It is stated that in pursuance to the directions contained in the above judgment, on representations made by the respective consumers, the Board is reconsidering the grievances highlighted by them. It was also submitted that if the petitioner files representation to the Secretary of the Board – third respondent, the whole complaint raised by the petitioner will also be reconsidered.

3. Taking into account the submission made as above, since the petitioner's grievances can also be redressed if the above course is adopted, I direct the petitioner to submit a detailed representation to the Secretary of the Board – the third respondent herein, within three weeks from today and the Secretary shall issue notice to the petitioner and after affording an opportunity of hearing, reconsider the grievances of the petitioner and pass a speaking order.

4. It is seen that in pursuance to the order dated 16.11.2001, the petitioner has remitted 50% of the amount and it was on that condition that interim stay was granted. Until the representation is disposed of as directed above, the interim order of stay will continue and further proceedings in pursuance to the order impugned herein shall not be pursued. The third respondent shall complete the proceedings within two months from the date of receipt of the representation to be made as directed above.

Original Petition is disposed of as above.

Antony Dominic
Judge.

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